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July 27, 2022

By ECF

The Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Re: Consolidated Bus Transit, Inc. et al. v. Local 854 Pension Fund et al., No. 22-cv-3493-RA

Dear Judge Abrams:

We represent Defendants Local 854 Pension Fund (the “Fund”) and the Board of Trustees of the Fund in the above-referenced action. Pursuant to Section 1.D of Your Honor’s Individual Rules and Practices in Civil Cases, we write jointly with Plaintiffs’ counsel to respectfully request an adjournment of the current deadlines in this action.

The two upcoming scheduled dates in this action are the initial status conference, currently scheduled for August 12, 2022, and the corresponding deadline of August 5, 2022 for the parties to file a joint letter and case management plan. (Dkt. 31.) The parties have made two previous requests to adjourn these dates, which originally were scheduled for July 1, 2022 and June 24, 2022, respectively. The Court granted each request. (Dkts. 28 & 31.)

Plaintiffs’ Complaint (Dkt. 1) seeks an order compelling Defendants to: (i) initiate a transfer of pension assets and liabilities from the Fund to the Amalgamated Transit Workers Local 854 Pension Fund, pursuant to 29 U.S.C. § 1415; (ii) calculate a reduction, if applicable, to the withdrawal liability owing by each Plaintiff to the Fund; and (iii) refund pension contributions erroneously made by two Plaintiffs to the Local 854 Pension Fund. The parties have been working cooperatively towards reaching a resolution in connection with the relief sought by Plaintiffs, and at present are optimistic that they will do so; accordingly, the parties believe it would be unnecessary and inefficient to proceed with active litigation at this time.

Nonetheless, in light of the possibility that the aforementioned and other issues may require the Court’s intervention, we respectfully request that the Court retain this action on its docket while the parties work towards a final resolution. The parties further request that the Court schedule a status conference for during the week of October 3, 2022, and that a joint letter and case management plan be due a week in advance of that conference.



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We thank the Court for its consideration.

Respectfully submitted,

/s/ Joseph E. Clark

Joseph E. Clark

cc All counsel of record

Application granted.

SO ORDERED.

A handwritten signature in blue ink, appearing to be "R. Abrams", written over a horizontal line.

Hon. Ronnie Abrams
07/28/22